

**REMARKS**

The indication of allowable subject matter in claim 9 of the application is acknowledged with appreciation. Favorable reconsideration of the remaining claims in the present patent application is respectfully requested in view of the foregoing amendments and the following remarks. It is noted that claims 13-16 and 20 are not subject to any rejection. These claims are treated herein as allowable.

In this Amendment claim 22 is added, and no claims are canceled or amended. As a result, claims 1-22 are now pending in the application. Support for the newly added claim is found throughout the disclosure, for example, at pages 8-9 in addition to other portions of the specification.

The non-final Office Action of November 18, 2005 included an objection to the specification, a rejection of claims 1-6, 17-19 and 21 under 35 U.S.C. §103(a) in view of U.S. Patent Application 2003/0229768 (Kawano) in view of so-called Applicant's Admitted Prior Art (APA), and a §103(a) rejection of claims 7-8 and 10-12 in view of APA and further in view of Kawano.

*Objection to the Specification*

The objection to the specification is respectfully traversed. The Office Action points out that the Protected Area Run Time Interface Extension Services (PARTIES) specification pertains to reserving a Host Protected Area (HPA) in a hard drive. The Office Action then objects to the

present application which involves the use of a protected area (e.g., HPA) to RAM and other storage devices. It should be noted that the inventive concepts underlying Host Protected Areas were first developed by Gateway, the present assignee, well before the PARTIES specification was drafted or conceived. The concepts involving Host Protected Area technology are disclosed in Gateway's U.S. Patent 5,966,732 filed December 2, 1996 which predates the PARTIES specification. The Host Protected Area concepts developed by Gateway prior to, and independent of, the PARTIES specification may apply to devices other than hard drives. Therefore, withdrawal of the objection to the specification is respectfully requested.

*35 U.S.C. §103 Rejections*

The §103(a) rejections of claims 1-6, 17-19 and 21 in view of Kawano and APA and claims 7-8 and 10-12 in view of APA and Kawano are respectfully traversed.

In accordance with various embodiments of the present invention the data stored on a first storage device may be backed up or archived by copying contents of a protected area (e.g., HPA) to an unprotected user area, and then saving the user area contents to a second storage device. This ensures that the data from the protected is backed up, in addition to the data from the user area. In this way, if the first storage device is damaged, lost or otherwise inaccessible, the data may be retrieved from the second storage device.

The system described in the Kawano application backs up data by transferring it from the user area into the HPA of the same hard disk drive. Then, according to Kawano, if the software

stored on the user area becomes damaged or unstable the back-up copy of the data can be retrieved from the HPA area and copied back onto the user area. This operation of the Kawano system is clearly explained:

When saved, the data is passed from the environment of the operating system (OS) 22 to the PARTIES partition, or when it is necessary to recover data, the data is passed from the PARTIES partition to the environment of the operating system (OS) 22.<sup>1</sup>

Hence, the claimed invention operates in a different manner than the system discussed in the Kawano patent application. Kawano archives data by passing it from the user area to the protected area. The present invention archives data by copying it from the user area to another disk. Moreover, the data which is archived in the present invention includes data from the user area and data from the protected area (which has been copied on to the user area). According to Kawano the data is only moved from the HPA area into the user area when the software in the user area becomes unstable. Since the user area data is unstable, it seems unlikely that anyone would want to back it up onto another disk along with a copy of the HPA data. This appears to be the result of the combination proposed in the Office Action.

Accordingly, the Kawano patent application and the so-called APA, either taken singly or as a hypothetical combination, do not teach the features of the claimed invention. Therefore, withdrawal of the §103 rejections is requested.

---

<sup>1</sup> Kawano, paragraph 37. See paragraphs 36-39.

*Deposit Account Authorization / Provisional Time Extension Petition*

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (703)739-0573 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson  
Registration No. 43,436

Olds, Maier & Richardson, PLLC  
128 North Pitt Street, 2nd Floor  
Alexandria, VA 22314  
(703)740-8322

**Date: March 20, 2006**